

CHAPTER 18.08

Definitions

18.08.010 Definitions generally.

A. The language set forth in the text of this Title shall be interpreted in accordance with the following rules of construction:

1. The singular number includes the plural and the plural the singular;
2. The present tense includes the past and future tenses, and the future the present;
3. The word *shall* is mandatory, while the word *may* is permissive;
4. The masculine gender includes the feminine and neuter.

B. The following words and terms, wherever they occur in this Title, shall be construed as defined in this Chapter. (Ord. 673-87, 1987)

18.08.020 Alley.

Alley means a minor way which is used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street. (Ord. 673-87, 1987)

18.08.030 Aquifer.

Aquifer means a water-bearing layer of sand, gravel or porous rock. (Ord. 673-87, 1987)

18.08.040 Block.

Block means a parcel of land bounded on all sides by a street or streets. (Ord. 673-87, 1987)

18.08.050 City Council or Council.

City Council or *Council* means the City Council of the City of Evans, Colorado. (Ord. 673-87, 1987)

18.08.060 Comprehensive Plan.

Comprehensive Plan means a plan for guiding and controlling the physical development of land use and circulation facilities in the City, and any amendment or extension of such a plan. (Ord. 673-87, 1987)

18.08.070 Conservation standards.

Conservation standards means guidelines and specifications for soil and water conservation practices and management, enumerated in the Technical Guide prepared by the USDA Soil Conservation Service, adopted by the County Soil and Water Conservation Commission, district supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities, from which

the owner selects that alternative which best meets his or her needs in developing his or her soil and water conservation plan. (Ord. 673-87, 1987)

18.08.080 Consumer.

Consumer means any person contacted as a potential purchaser, lessee or renter, as well as one who actually purchases, leases or rents property in the subdivision. (Ord. 673-87, 1987)

18.08.090 Crosswalk or walkway.

Crosswalk or *walkway* means a right-of-way dedicated to public use, to facilitate pedestrian access through a subdivision block. (Ord. 673-87, 1987)

18.08.100 Dedication.

Dedication means a grant by the owner of a right to use land to the public in general, involving a transfer of property rights and an acceptance of the dedicated property by the appropriate public agency. (Ord. 673-87, 1987)

18.08.110 Dwelling unit.

Dwelling unit means any structure or part thereof designed to be occupied as the living quarters of a single-family or housekeeping unit. (Ord. 673-87, 1987)

18.08.120 Easement.

Easement means a right to land generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation or particular person for specified uses. (Ord. 673-87, 1987)

18.08.130 Evidence.

Evidence means any map, table, chart, contract or any other document or testimony prepared or certified by a qualified person to attest to a specific claim or condition, which evidence must be relevant and competent, and must support the position maintained by the subdivider. (Ord. 673-87, 1987)

18.08.140 Floodplain.

Floodplain means an area that is anticipated to receive floodwaters in years, or certain storm intensity, such as a fifty-year storm or a one-hundred year storm. (Ord. 673-87, 1987)

18.08.150 Improvements.

Improvements means street grading, street surfacing and paving, curbs and gutters, street lights, street signs, sidewalks, water mains and lines, water meters, fire hydrants, sanitary sewers, storm drainage facilities, culverts, bridges, public utilities or other installations as designated by the City Council or its specified approving authority. (Ord. 673-87, 1987)

18.08.160 Lateral sewer.

Lateral sewer means a sewer which discharges into another sewer and has only building sewers tributary to it. (Ord. 673-87, 1987)

18.08.170 Lot.

Lot means the unit into which land is divided on a subdivision plat or deed, with the intention of offering such unit for sale, lease or separate use, either as an undeveloped or developed site, regardless of how it is conveyed. *Lot* shall also mean parcel, plat, site or any similar term. (Ord. 673-87, 1987)

18.08.180 Lot, depth of.

Lot, depth of means the mean horizontal distance between the front and rear lot lines. (Ord. 673-87, 1987)

18.08.190 Lot, double-frontage.

Lot, double frontage means a lot having a frontage on two (2) nonintersecting streets. (Ord. 673-87, 1987)

18.08.200 Lot or property pin.

Lot or property pin means a marker established by certified land survey and set by a registered land surveyor registered in the State of Colorado to establish accurate location of property lines. (Ord. 673-87, 1987)

18.08.210 Lot, reverse-frontage.

Lot, reverse-frontage means a lot which extends continuously between two (2) parallel, or approximately parallel, streets bounding a block and which is abutted along one (1) street frontage by an easement for screen planting. A block containing reverse-frontage lots is composed of one (1) tier of lots rather than the standard two (2) tiers. (Ord. 673-87, 1987)

18.08.220 Lot, width of.

Lot, width of means the average distance between side lot lines. *Side lot lines* are those which are neither front nor rear lot lines. (Ord. 673-87, 1987)

18.08.230 Mayor.

Mayor means the Mayor, or Mayor Pro Tempore, of the City of Evans. (Ord. 673-87, 1987)

18.08.240 Multifamily dwelling.

Multifamily dwelling means a building providing separate dwelling units for two (2) or more families. (Ord. 673-87, 1987)

18.08.250 National Cooperative Soil Survey.

National Cooperative Soil Survey means the soil survey conducted by the U.S. Department of Agriculture in cooperation with the State Agricultural Experiment Stations and other federal and state agencies. (Ord. 673-87, 1987)

18.08.260 Off-street parking space.

Off-street parking space means the space required to park one (1) passenger vehicle on private land. (Ord. 673-87, 1987)

18.08.270 Permanent monument.

Permanent monument means any structure permanently placed on or in the ground, including those expressly placed for surveying reference. (Ord. 673-87, 1987)

18.08.280 Person.

Person means an individual, partnership, corporation, association, unincorporated organization, trust or any other legal or commercial entity, including a joint venture or affiliated ownership. The word *person* also means a municipality or state agency. (Ord. 673-87, 1987)

18.08.290 Planned unit development (PUD).

A. *Planned unit development (PUD)* means an area of land, not less than two (2) acres in size, improved as a residential development, or a combination of uses such as residential, educational, recreational, commercial and industrial, in which normal restrictions of lot sizes, setbacks, densities, land uses and other criteria may be relaxed in return for development conformance to an approved plan for the total parcel. Approval may be given upon evidence of the provisions of open spaces, public facilities, access, planning aesthetics and other considerations deemed important by the local approving agency.

B. A *planned unit development* is a commitment on the part of the developer to construct the project according to the plan approved by the City Council. The developer shall adhere to densities, open spaces, street location and design, floodplain regulations and all other such design criteria as are set forth in this Title, and other ordinances that may be required by the City Council.

C. In a planned unit development, the uses, density and yard requirements shall be determined upon submission and approval of the plan. (Ord. 673-87, 1987)

18.08.300 Planning Commission.

Planning Commission means the Planning Commission of the City of Evans. (Ord. 673-87, 1987)

18.08.310 Plan, preliminary.

Preliminary plan means the map or maps of a proposed subdivision, and specified supporting materials, drawn and submitted in accordance with the requirements of adopted regulations, to permit the evaluation of the proposal prior to detailed engineering and design. (Ord. 673-87, 1987)

18.08.320 Plan, sketch.

Plan, sketch means a map of a proposed subdivision, drawn and submitted in accordance with the requirements of adopted regulations, to evaluate feasibility and design characteristics at an early state in the planning. (Ord. 673-87, 1987)

18.08.330 Plat, final.

Plat, final means a map and supporting materials of certain described land, prepared in accordance with subdivision regulations as an instrument for recording of real estate interests with the County Clerk and Recorder. (Ord. 673-87, 1987)

18.08.340 Reservation.

Reservation means a legal obligation to keep property free from development for a stated period of time, not involving any transfer of property rights. (Ord. 673-87, 1987)

18.08.350 Resubdivision.

Resubdivision means the changing of any existing lot or lots of any subdivision plat previously recorded with the County Clerk and Recorder. (Ord. 673-87 '1(part), 1987)

18.08.360 Right-of-way and control of access.

A. *Right-of-way* means that portion of land described to public use for street and/or utility purposes.

B. *Control of access* means the condition where the right of owners or occupants of abutting land (or other persons) to access, light, air or view in connection with a highway, is fully or partially controlled by public authority. (Ord. 673-87, 1987)

18.08.370 Roadway.

Roadway means that portion of the street right-of-way designed for vehicular traffic. ((Ord. 673-87, 1987)

18.08.380 Street.

Street means any street, avenue, boulevard, road, lane, parkway, viaduct, alley or other way for the movement of vehicular traffic, which is an existing state, county, or municipal roadway, or a street or way shown upon a plat, heretofore approved, pursuant to law, or approved by official action, and includes the land between street lines, whether improved or unimproved; and may comprise pavement, shoulders, gutters, sidewalks, parking areas and other areas within the right-of-way. For the purpose of this Title, *streets* shall be classified as defined in Subsections A through H of this Section:

A. *Arterial street* means a street or road designed to carry high volumes of vehicular traffic over long distances in a direct manner.

B. *Collector street* means a street or road designed to collect or distribute vehicular traffic from one (1) or more residential or nonresidential areas to or from an arterial.

1. *Major Collector* shall mean those collector streets which generally carry, or are projected to carry, traffic volumes greater than seven thousand (7,000) vehicles per day when the property which the collector serves is fully developed and which permit relatively unimpeded traffic movement and are intended for use on those routes where four (4) moving lanes are required but where a larger classified street is not warranted.

2. *Minor Collector* shall mean those two-lane collector streets which generally carry traffic volumes up to seven thousand (7,000) vehicles per day and collect and distribute traffic between arterial and local streets and which serve as main connectors within communities, linking one (1) neighborhood with another.

C. *Cul-de-sac* means a short, dead-end street no longer than five hundred (500) feet, terminating in a vehicular turnaround area.

D. *Freeway* means a major regional highway, including interstate highways, designed to carry very large volumes of vehicular traffic, with full control of access and all intersections grade-separated. (An *expressway* is similar to a freeway, except that all intersections need not be grade-separated.)

E. *Half-street* means a street parallel and contiguous to a property line and of lesser right-of-way width than is required for streets.

F. *Local street* means a street or road designed to carry vehicular traffic from one (1) or more individual residential or nonresidential units, or from a collector street.

G. *Service road* means a street or road paralleling and abutting major streets to provide access to adjacent property, so that each adjacent lot will not have direct access to the major street.

H. *Stub street* means a street or road extending from within a subdivision boundary and terminating there with no permanent vehicular turnaround. Stub streets are provided to permit adjacent undeveloped parcels of land to be developed later with an adjacent connecting street system. (Ord. 1180-99, 1999; Ord. 673-87, 1987)

18.08.390 Subdivider or developer.

Subdivider or *developer* means any person, firm, partnership, joint venture, association or corporation who shall participate as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a subdivision. (Ord. 673-87, 1987)

18.08.400 Subdivision.

Subdivision means the division of a lot, tract or parcel of land into two (2) or more lots, plats or sites or other divisions of land, for the purpose, whether immediate or future, of sale or of building development. *Subdivision* includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. (Ord. 673-87, 1987)